



The jurisdiction of the successor in law and jurisprudence Iran

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ABSTRACT

This study was an investigation of the authorities and duties of the Executor of a testator's will in Iranian law and jurisprudence. Law has given the executor the right to assign in his testament some person(s) to manage some affairs or bring about changes. The affairs may generally be related to the estate of the deceased or raising the testator's minor children and managing their properties. Article 1188 in this regard stipulates that, "either the father or grandfather, after the other's death, can assign an executor for his children who are under his guardianship, to take care of them after his death and manage their properties". The executor, assigned by the guardian, will have all the authorities as the guardian. Executorship for managing the minor's possessions may be limited to a particular issue in which case the executor will behave within the boundaries of the executorship. If the executorship is "absolute", the executor is bound to not carry out anything that would involve mischief that causes harms to persons under guardianship including leasing or renting the properties, paying off the debts or collecting the claims. The executor can sell the properties of people under guardianship, even the unmovable ones, if it means no harm or loss to the people, and there is no need for the prosecutor's permission for doing so, as the executor represents the forcible guardian, and the guardian does not need the prosecutor's permission for his deeds.

Keyword:

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